IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Review Petition No.57/2006
In
S.B. Civil Second Appeal No.03020/05 (Defect)

Kishna S/o Shri Jeta & Others
...petitioners
Versus
Sukh Lal S/o Shri Ram Deva & Others
...respondents

Date of Order ::: 08.12.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Ashwani Chobisa, Counsel for petitioners
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By the Court:-

Heard learned counsel for the petitioners.

The learned counsel for the petitioners submits that the Order 41 Rule 3-A of the CPC was considered by the Full Bench of this Court in *Dilip Bhai Gajrota & Others Vs. Contractor Lime Gotan {1996 (1) RLW 1}* wherein the Full Bench held that the Rule 3-A of Order 41 is not mandatory but it is directory in nature.

After considering the submissions of the learned counsel for the petitioners I recall the order dated 29th of November, 2006. The review petition is accordingly allowed. The second appeal is restored to its original number.

The application filed under Section 5 of the Limitation Act along with the review petition for condonation of delay in filing the second appeal may now be dealt with in the file of the second appeal.

(Narendra Kumar Jain) J.

//Jaiman//